

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SURIMA SUAREZ CESTERO, et al.

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Plaintiffs,

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v.

CIVIL NO. 97-2251 (JPT)

DANIEL PAGAN ROSA, et al.

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Defendants.

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O R D E R

On July 20, 2001, the Court ordered the parties, pursuant to its Opinion and Order, to file briefs regarding the issues of preclusion and qualified immunity on or before October 1, 2001. Co-Defendant Ferdín Carrasquillo, in his official capacity, and Plaintiffs so complied (**Docket Nos. 161 and 170**). On September 17, 2001, this Court received a motion entitled "Motion Requesting Permission to Withdraw as Attorney" (**Docket No. 166**), where Attorney Carlos Del Valle Cruz petitioned this Court to withdraw as attorney for Defendant Daniel Pagán Rosa. On September 25, 2001, this Court granted said Motion, and ordered the Department of Justice to appear on behalf of Defendant Daniel Pagán Rosa on or before October 19, 2001. However, the Court understood Attorney Del Valle to be withdrawing from the case completely.

On October 1, 2001, Attorney del Valle appeared on behalf of all Defendants and filed a "Motion for Qualified Immunity", as well as an "Informative Motion" regarding service of interrogatories to Plaintiffs. Said motion alleged that co-Defendants Correa, Toledo and Pagán were entitled to qualified immunity. No mention was made

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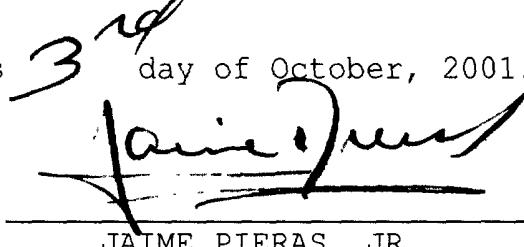
of immunity for co-Defendant Carrasquillo, in his official capacity. Since Attorney del Valle has already withdrawn from this case, the Court cannot understand how he is filing anything on behalf of co-Defendant Pagán or any other co-Defendant.

Insofar as Attorney del Valle is litigating another case involving the Governor of Puerto Rico and Daniel Pagán, a co-Defendant in this case, the Court deems it prudent and in the best interests of all parties that he withdraw completely from this case. The Court will consider the aforementioned motions as not having been filed until another attorney from the Department of Justice, one who can represent all Defendants, makes an appearance on their behalf and re-files said motions. Therefore, Defendants' "Motion for Qualified Immunity" and "Informative Motion" are hereby **STRICKEN** from the record.

In addition, the Court ordered all parties in its Opinion and Order of July 20, 2001, to file briefs regarding the issues of immunity and preclusion as they related to the remaining claims in the case. As far as the Court was able to ascertain, Defendants' brief only half complies with said Order, since it only addressed the subject of immunity. Therefore, the Court hereby **ORDERS** the Department of Justice to file a brief on behalf of all Defendants in their personal capacity regarding the issues of preclusion and qualified immunity on or before **October 18, 2001**.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 3rd day of October, 2001.



JAIME PIERAS, JR.